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§ 550.1402 Definitions.

Terms used in this subpart have the following meaning:

Case file means a BOEM document file containing information and the record of evidence related to the alleged violation.

Civil penalty means a fine. It is a BOEM regulatory enforcement tool used in addition to Notices of Incidents of Noncompliance and directed suspensions of production or other operations.

Reviewing Officer means a BOEM employee assigned to review case files and assess civil penalties.

Violation means failure to comply with the Outer Continental Shelf Lands Act (OCSLA) or any other applicable laws, with any regulations issued under the OCSLA, or with the terms or provisions of leases, licenses, permits, rights-of-way, or other approvals issued under the OCSLA.

Violator means a person responsible for a violation.

§ 550.1403 What is the maximum civil penalty?

The maximum civil penalty is \$40,000 per day per violation.

§ 550.1404 Which violations will BOEM review for potential civil penalties?

BOEM will review each of the following violations for potential civil penalties:

- (a) Violations that you do not correct within the period BOEM grants;
- (b)–(c) [Reserved]
- (d) Violations of the oil spill financial responsibility requirements at 30 CFR part 553.

§ 550.1405 When is a case file developed?

BOEM will develop a case file during its investigation of the violation, and forward it to a Reviewing Officer if any of the conditions in § 550.1404 exist. The Reviewing Officer will review the case

file and determine if a civil penalty is appropriate. The Reviewing Officer may administer oaths and issue subpoenas requiring witnesses to attend meetings, submit depositions, or produce evidence.

§ 550.1406 When will BOEM notify me and provide penalty information?

If the Reviewing Officer determines that a civil penalty should be assessed, the Reviewing Officer will send the violator a letter of notification. The letter of notification will include:

- (a) The amount of the proposed civil penalty;
- (b) Information on the violation(s); and
- (c) Instruction on how to obtain a copy of the case file, schedule a meeting, submit information, or pay the penalty.

§ 550.1407 How do I respond to the letter of notification?

You have 30 calendar days after you receive the Reviewing Officer's letter to either:

- (a) Request, in writing, a meeting with the Reviewing Officer;
- (b) Submit additional information; or
- (c) Pay the proposed civil penalty.

§ 550.1408 When will I be notified of the Reviewing Officer's decision?

At the end of the 30 calendar days or after the meeting and submittal of additional information, the Reviewing Officer will review the case file, including all information you submitted, and send you a decision. The decision will include the amount of any final civil penalty, the basis for the civil penalty, and instructions for paying or appealing the civil penalty.

§ 550.1409 What are my appeal rights?

- (a) When you receive the Reviewing Officer's final decision, you have 60 days to either pay the penalty or file